

Senate Bill 160

By: Senators Pearson of the 51st, Williams of the 19th, Whitehead, Sr. of the 24th, Douglas of the 17th, Hamrick of the 30th and others

AS PASSED

AN ACT

To amend Chapter 1 of Title 32 of the Official Code of Georgia Annotated, relating to general provisions relative to highways, bridges, and ferries, so as to amend the definition of terms; to amend Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to dimensions and weight of vehicles and loads, so as to remove all references to national highways; to amend Part 1 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to control of signs and signals on public roads generally, so as to remove all references to a federal-aid primary road; to amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to control of signs and signals on the state highway system, so as to amend the definition of a primary system or highway; to amend Article 8 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to the control of junkyards, so as to define the scope of the Department of Transportation s control over junkyards; to limit the junkyard screening requirement; to limit the scope of junkyard control; to change the areas of authorization for junkyard control; to amend Part 1 of Article 1 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to general provisions regarding the Georgia Highway Authority, so as to refine definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 32 of the Official Code of Georgia Annotated, relating to general provisions relative to highways, bridges, and ferries, is amended by striking paragraph (10) of Code Section 32-1-3, containing definitions relative to highways, bridges, and ferries, and inserting in its place a new paragraph (10) and also by inserting new paragraphs (12.1) and (27.1) to read as follows:

(10) 'Federal-aid systems' means those public roads in Georgia comprised of The Dwight D. Eisenhower System of Interstate and Defense Highways and the National

Highway System, as those terms are defined in Section 103 of Title 23 of the United States Code.

(12.1) 'Interstate highways' means any highway which constitutes a part of The Dwight D. Eisenhower System of Interstate and Defense Highways as used in Section 103 of Title 23 of the United States Code.

(27.1) 'State roads' or 'state routes' means those roads which are defined under paragraph (1) of Code Section 32-4-1.

SECTION 2.

Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to dimensions and weight of vehicles and loads, is amended by striking Code Section 32-6-26, relating to weight of vehicle and load, and inserting in its place the following:

32-6-26.

(a) As used in this Code section, the term:

(1) 'Federal bridge formula' means:

$$W = 500 \frac{LN}{N-1} + 12N + 36$$

Where W = the overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = the distance in feet between the extreme of any group of two or more consecutive axles, and N = the number of axles in the group under consideration.

(2) 'Lift axle' means any axle on any vehicle manufactured after July 1, 1978, which axle may be raised or lowered with respect to the horizontal plane of the vehicle.

(3) 'Single axle' means all the wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart.

(4) 'State bridge formula' means:

$$W = 500 \frac{LN}{N-1} + 12N + 36$$

Where W = the maximum allowable gross weight of the vehicle or combination of vehicles to the nearest 500 pounds, L = the distance in feet between the first and last axles of the vehicle or combination of vehicles, and N = the number of axles on the vehicle or combination of vehicles.

(5) 'Tandem axle' means two or more consecutive axles, excluding the steering axle, which extend across the full width of the vehicle and whose centers may be included

between parallel vertical planes spaced more than 40 inches apart but not more than 216 inches apart.

(b) Except when authorized by a permit issued pursuant to Code Section 32-6-28 and except as otherwise provided in this Code section:

(1) No vehicle equipped with high pressure pneumatic, solid rubber, or cushion tires and operated upon any public road of this state shall carry a load on any wheel which exceeds 8,000 pounds by more than 13 percent or a load on any single axle which exceeds 16,000 pounds by more than 13 percent; and

(2) No vehicle equipped with low pressure pneumatic tires and operated upon any public road of this state shall carry a load on any wheel which exceeds 9,000 pounds by more than 13 percent or a load on any single axle which exceeds 18,000 pounds by more than 13 percent.

(c)(1)(A) On all highways within this state which are not interstate highways, the maximum total gross weight authorized for any vehicle and load shall not exceed 80,000 pounds; the maximum load authorized on any single axle shall be as provided in subsection (b) of this Code section; the maximum load on any tandem axle shall be 40,680 pounds; and subject to subparagraph (B) and subparagraph (C) of this paragraph, the maximum total gross weight authorized for any vehicle and load shall be the maximum load authorized on any single axle multiplied by the number of axles with which the vehicle is equipped.

(B) For vehicles and loads with an actual total gross weight between 73,280 pounds and 80,000 pounds, the maximum total gross weight authorized for the vehicle and load shall be determined by applying the state bridge formula.

(C) For any vehicle equipped with four axles, the maximum total gross weight authorized for the vehicle and load shall be 70,000 pounds.

(2) Reserved.

(3) No lift axle may be used in computing the maximum total gross weight authorized for any vehicle or load.

(d)(1)(A) On all highways within this state which are interstate highways, the maximum total gross weight authorized for any vehicle and load shall not exceed 80,000 pounds; the maximum load authorized on any single axle shall be as provided in subsection (b) of this Code section; and, except as provided in subparagraph (B) of this paragraph, the maximum overall gross weight in pounds on a group of two or more consecutive axles shall be determined by applying the federal bridge formula. In

applying the formula, no lift axle shall be counted as an individual or additional axle when determining the maximum overall gross weight.

(B) Notwithstanding the provisions of subparagraph (A) of this paragraph, the maximum load authorized on any tandem axle shall be 34,000 pounds, and any two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; however, except for vehicles and combinations of vehicles exceeding 55 feet in length, the maximum gross weight authorized on a tandem axle for a vehicle or combination of vehicles carrying a gross weight of less than 73,280 pounds shall be 40,680 pounds.

(2) If at any time federal law authorizes any weight greater than that authorized by this subsection, such greater weight under federal law shall be authorized on the interstate highways within this state.

(e) Subject to the provisions of this article, the department shall be authorized, on behalf of the state, to enter into agreements with the United States Secretary of Transportation as provided in Section 127 of Title 23 of the United States Code, relating to the control of vehicle weight and width limitations, which agreements shall exempt certain vehicles from the requirements of subsection (d) of this Code section. The department shall be authorized to take action in the name of the state to comply with the terms of any such agreement and to promulgate any rules and regulations necessary to ensure the department's compliance with federal laws and to provide for the issuance of the special permits required by this Code section.

(f) On any public road of a county road system, the maximum total gross weight of a vehicle and load shall not exceed 56,000 pounds unless the vehicle is making a pickup or delivery on such road; except that if a county road is constructed to the same standards as those highways of this state which are interstate highways and is authorized as a designated local truck route pursuant to official resolution of the county and approval of the commissioner, the maximum weight limits for such designated local truck route shall be the same as those for highways in this state which are not interstate highways as provided by paragraph (1) of subsection (c) of this Code section.

(g)(1) The weight limitations provided for in this Code section, except the limitation in subsections (f) and (h) of this Code section, may be exceeded on any public road within this state which is not a interstate highway, or when making a pickup or delivery on any public road of a county road system, without a permit only when the load on any single axle does not exceed 23,000 pounds, the load on any tandem axle does not exceed 46,000

pounds, and the maximum total gross weight of the vehicle and load does not exceed 80,000 pounds when:

- (A) Hauling forest products from the forest where cut to the owner's place of business, plant, plantation, or residence;
- (B) Hauling live poultry or cotton from a farm to a processing plant;
- (C) Hauling feed from a feed mill to a farm;
- (D) Hauling granite, either block or sawed, or any other naturally occurring raw ore or mineral for further processing, from the quarry or stockpile area to a processing plant located in the same or an adjoining county;
- (E) Hauling solid waste or recovered materials from points of generation to a solid waste handling facility or other processing facility; or
- (F) Hauling concrete that is in a freshly mixed and unhardened state for delivery to a customer located in the same or an adjoining county.

No lift axle may be used in computing the maximum total gross weight authorized for any vehicle or load under this paragraph.

(2) Any vehicle carrying a load as authorized in this subsection at night shall be equipped with lights clearly visible for a distance of not less than 300 feet from the front and rear of the vehicle.

(h) Notwithstanding any provision of this Code section to the contrary, no vehicle or combination of vehicles shall be operated over any bridge with a posted limit which is less than the total gross weight of the vehicle and its load.

(i)(1) Any vehicle which can be made to comply with the requirements of this Code section by shifting the load and which is then loaded to comply with this Code section shall not be held to be in violation of this Code section.

(2) On all highways within this state which are not interstate highways:

(A) Except as provided in subparagraph (B) of this paragraph, for all vehicles, fines for violations of the total gross weight limitations provided for in subsection (c) of this Code section shall be based on the amount by which the actual weight of the vehicle and load exceeds the allowable maximum weight determined under subsection (c) of this Code section.

(B) For vehicles equipped with four axles, fines for violations of the total gross weight limitations provided for in subsection (c) of this Code section shall be based on the amount by which the actual weight of the vehicle and load exceeds 70,000 pounds.

(j) Except as provided in subsections (f) and (h) of this Code section, weight limits and axle definitions for any bimodal semitrailer, semitrailers, and trailers operated on highways

and public roads within this state shall be weight limits and axle definitions authorized by federal law governing interstate highways.

SECTION 3.

Part 1 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to control of signs and signals on public roads generally, is amended by striking subsection (d) of Code Section 32-6-51, relating to the erection, placement, or maintenance of unlawful or unauthorized structures, and inserting in its place the following:

(d)(1) As used in this subsection, the term:

(A) 'Bus shelter' means a shelter or bench located at bus stops for the convenience of passengers of public transportation systems owned and operated by governmental units or public authorities or located on county or municipality rights of way for the convenience of residents.

(B) 'Commercial advertisement' means a printed or painted sign encouraging or promoting the purchase or use of goods or services but does not include campaign posters, signs, or advertisements prohibited by Code Section 21-2-3.

(2) Bus shelters, including those on which commercial advertisements are placed, may be erected and maintained on the rights of way of public roads subject to the following conditions and requirements:

(A) Any public transit system wishing to erect and maintain a bus shelter on the right of way of a state road shall apply to the department for a permit, and as a condition of the issuance of the permit, the department must approve the bus shelter building plans and the location of the bus shelter on the right of way; provided, however, that such approval is subject to any and all restrictions imposed by Title 23, U.S.C., and Title 23, Code of Federal Regulations relating to the federal-aid system. This paragraph shall entitle only public transit systems or their designated agents the right to be issued permits under this paragraph;

(B) If the bus shelter is to be located on the right of way of a public road other than a state road within a county or municipality, application for permission to erect and maintain such shelter shall be made to the respective county or municipality. Such application shall conform to the county's and municipality's regulations governing the erection and maintenance of such structures. When the county or municipality is served by a public transit agency or authority, the applications for all bus shelters on routes of such agency or authority shall also be forwarded by the applicant to such transit agency or authority and subject to the approval of such agency or authority; and

(C) As a condition of issuing a permit for the erection of a bus shelter on the right of way of a state road, the department shall require that the bus shelter shall be properly maintained and that its location shall meet minimum setback requirements as follows:

- (i) Where a curb and gutter are present, there shall be a minimum of four feet clearance from the face of the curb to any portion of the bus shelter or the bus shelter shall be placed at the back of the existing concrete sidewalk; or
- (ii) Where no curb or gutter is present, the front of the bus shelter shall be at least ten feet from the edge of the main traveled roadway.

(3) Any bus shelter erected and maintained on the right of way of a public road in violation of paragraph (2) of this subsection or in violation of the conditions of the permit issued by the department or in violation of the conditions of the consent of the county or municipality is declared to be a public nuisance and if it is determined to be a hazard to public safety by the department, county, or municipality, it may be removed or its removal may be ordered by the department or the governing authority of the respective county or municipality. In every case of removal of a bus shelter as a hazard to public safety by the department, a county, or a municipality, a good faith attempt shall be made to notify the owner of its removal. In such cases where the department, county, or municipality orders the removal of the bus shelter as a public nuisance, if such a bus shelter is not removed by its owner within 30 days after its owner has been issued a written order of removal by the department or the governing authority of the respective county or municipality, the department or the governing authority of the respective county or municipality may cause the bus shelter to be removed and submit a statement of expenses incurred in the removal to the owner of the bus shelter. In the case of a statement of expenses for removal of a shelter on a state road, if payment or arrangement to make payment is not made within 60 days after the receipt of such statement, the department shall certify the amount thereof to the Attorney General for collection.

(4) The person to whom a permit has been issued for the erection and maintenance of a bus shelter on the right of way of a public road or who places such shelter on a public road other than a state road shall at all times assume all risks for the bus shelter and shall indemnify and hold harmless the State of Georgia, the department, and any county or municipality against all losses or damages resulting solely from the existence of the bus shelter.

(5) Permits for shelters on state roads shall be issued under this subsection only to cities, counties, or public transportation authorities owning or operating public transportation systems or their designated agents.

SECTION 4.

Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to control of signs and signals on the state highway system, is amended by striking paragraph (16) of Code Section 32-6-71, relating to definitions regarding signs on the state highway system, and inserting in its place the following:

(16) 'Primary system' or 'primary highway' means the federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system, but which is on the National Highway System, as officially designated or as may hereafter be so designated by the department and approved by the United States Secretary of Transportation pursuant to the provisions of Title 23, Section 103, United States Code.

SECTION 5.

Article 8 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to the control of junkyards, is amended by redesignating paragraph (4) of Code Section 32-6-240, relating to definitions applicable to junkyards, as paragraph (5) and inserting a new paragraph (4) to read as follows:

(4) 'Primary system' or 'primary highway' means the federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system, but which is on the National Highway System, as officially designated or as may hereafter be so designated by the department and approved by the United States Secretary of Transportation pursuant to the provisions of Title 23, Section 103, United States Code.

SECTION 6.

Said article is further amended by striking the introductory language in Code Section 32-6-241 and inserting in its place the following:

The department is responsible for the control of junkyards only on those primary highways that are state roads. For all primary highways it shall be unlawful for any person to establish, operate, or maintain any junkyard, any portion of which is within 1,000 feet of the nearest edge of the right of way of any interstate or federal-aid primary highway, except: .

SECTION 7.

Said article is further amended by striking Code Section 32-6-242, relating to screening of junkyards, and inserting in its place the following:

32-6-242.

Any junkyard lawfully in existence on April 6, 1967, which is within 1,000 feet of the nearest edge of the right of way and visible from the main traveled way of any public road on the interstate or primary system, shall, whenever feasible, be screened by the department if such road is on the state highway system, otherwise by the county or municipal government having jurisdiction, so as not to be visible from such public road. Such junkyards may be screened at locations either on the right of way of such public road or on property acquired by the department for that purpose outside such right of way. Whenever the commissioner determines that it is in the best interest of the state, the department may acquire, pursuant to any of the procedures for property acquisition set forth in Article 1 of Chapter 3 of this title, such property or interests therein outside existing public road rights of way as may be necessary to provide adequate screening of such junkyards.

SECTION 8.

Said article is further amended by striking Code Section 32-6-243, relating to promulgating regulations regarding the screening of junkyards, and inserting in its place the following:

32-6-243.

For any interstate or primary highway on the state highway system, the department may promulgate uniform and reasonable regulations governing the screening or fencing of junkyards, including the materials used in such screening or fencing and the location, construction, and maintenance thereof.

SECTION 9.

Said article is further amended by striking Code Section 32-6-244, relating to the authority of the commissioner to acquire land and remove junkyards, and inserting in its place the following:

32-6-244.

(a) For state roads on the primary system, when the commissioner or, with regard to nonstate roads on the primary system, the principal elected officials of the county or municipality having jurisdiction determines that the topography of the land adjoining such a road will not permit adequate screening of any junkyard lawfully in existence on April 6, 1967, or that such screening would not be economically feasible, the department or the local officials shall have the authority to acquire, pursuant to any of the procedures for property acquisition authorized in Article 1 of Chapter 3 of this title, such interests in lands as may be necessary to secure the relocation, removal, or disposal of such junkyard. The

commissioner or the local officials shall determine whether it would be more feasible to relocate, remove, or dispose of the junkyards which cannot be screened, and such determination shall be final and conclusive.

(b) All junkyards lawfully in existence on April 6, 1967, which do not conform to the requirements of Code Section 32-6-241 and which, in the determination of the commissioner or the principal elected officials of the county or municipality having jurisdiction, cannot be made to conform by screening, shall be required to be removed under this Code section as soon as funds are available for that purpose, provided that the department or the county or municipality having jurisdiction shall not be required to expend any funds for screening or removal under this article unless and until federal-aid matching funds are made available for this purpose.

SECTION 10.

Said article is further amended by striking Code Section 32-6-245, relating to agreements with the United States Secretary of Transportation, and inserting in its place the following:

32-6-245.

The Georgia Department of Transportation is authorized to enter into agreements with the United States Secretary of Transportation, as provided by Title 23 of the United States Code, relating to the control of junkyards in areas adjacent to the interstate system and state routes on the primary systems; and the department may take action in the name of the state to comply with the terms of such agreements.

SECTION 11.

Part 1 of Article 1 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to general provisions regarding the Georgia Highway Authority, is amended by striking paragraphs (7) and (12) of Code Section 32-10-1, relating to definitions relating to the Georgia Highway Authority, and inserting in their place the following:

(7) 'County road' means any public road or portion thereof, not located wholly within the boundaries of an incorporated municipality and not now, or as of the particular time of inquiry in the future, part of a state road or urban road as defined in paragraphs (12) and (15), respectively, of this Code section. The term shall include not only such roads as come within this definition on July 1, 1973, but also such roads, as defined in this Code section, which may from time to time be planned, laid out, and constructed by the authority pursuant to this article. The fact that a road owned by the authority and leased to the state may, as provided by this article, be declared part of the state highway system

shall not destroy its identity as a county road for the purposes of this article, provided that nothing in the definition of 'county road' shall in any manner alter the legal effect of said term which is intended to be synonymous with 'rural road' as used in the 'Georgia Highway Authority Act,' Ga. L. 1967, p. 385, as amended.

(12) 'State road' means any public road or portion thereof which is part of the state highway system or The Dwight D. Eisenhower System of Interstate and Defense Highways.

SECTION 12.

This Act shall become effective on July 1, 2005.

SECTION 13.

All laws and parts of laws in conflict with this Act are repealed.